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December 6, 2019

By ECF and Fax (212-805-0426)

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Elisa W. v. The City of New York, et al.*
15 CV 5273 (LTS) (SLC)

Dear Judge Swain:

On behalf of the parties in the above-referenced action, and in accordance with Paragraph A.1.f. of Your Honor's Individual Practices ("Para. A.1.f."), I write to request an adjournment in the filing schedule for opposition and reply papers relating to Plaintiffs' pending Motion for Class Certification, dated July 31, 2019 (Dkt. Nos. 439-442). Shortly after the filing of Plaintiffs' motion, the parties submitted a letter dated August, 5, 2019 (Dkt. No. 445), jointly requesting an extension of the briefing schedule for remaining submissions so that the deadline for Defendants' opposition papers be extended from October 31, 2019, to December 12, 2019; and for Plaintiffs' reply papers, from December 20, 2019, to January 31, 2020. Your Honor approved the request by a memo endorsement of the August 5th letter request on the same date (Dkt. No. 446).

The reason for the first adjournment request was to permit the parties to explore the possibility of settlement. Because settlement discussions are still ongoing and because of the potentially avoidable expense of opposing Plaintiffs' motion – particularly, the retention of experts to counter Plaintiffs' experts, and potentially considerable expert discovery including depositions, the parties have not pursued a dual-track litigation and settlement discussion strategy. As a result, the parties respectfully request an additional four-month extension in the

briefing schedule, so that Defendants' opposition to the motion would be due April 13, 2020, and Plaintiffs' reply on May 29, 2020.

Consistent with Para. A.1.f, Defendants have conferred with Plaintiffs about this proposal, and they agree to the requested four-month extension in the briefing schedule.

On behalf of the parties, I thank Your Honor for your consideration of this request.

Very truly yours,

Jonathan Pines
Assistant Corporation Counsel

Copies to All Counsel by ECF

In light of the need for time for further discussions, the Clerk of Court is directed to terminate the pending motion (DE # 439) without prejudice to restoration for completion of briefing, by letter request on or after April 1, 2020, for approval of briefing according to the above schedule.

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SO ORDERED:


12/6/19
HON. LINDA TAYLOR SWAIN
U.S. DISTRICT JUDGE